

EXHIBIT 3

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

KAYLA GORE; JAIME COMBS; L.G.; and
K.N.,

Plaintiffs,

v.

WILLIAM BYRON LEE, in his official capacity as Governor of the State of Tennessee; and LISA PIERCEY, in her official capacity as Commissioner of the Tennessee Department of Health,

Defendants.

No. 3:19-CV-00328

**DECLARATION OF KAYLA GORE IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Kayla Gore, being of legal age and sound mind, do hereby declare and state as follows:

1. I am a Plaintiff in the above-captioned case. I have actual knowledge of the matters stated in this declaration.
2. I am 34 years old. I was born and currently reside in Memphis, Tennessee.
3. I have dedicated my professional life to serving lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) people in Tennessee. I am currently the Southern Regional Organizer with TLC@SONG, which seeks to lift the barriers and break the isolation that prevents LGBTQ people in the South, particularly people of color, from participating fully in our economic, social, and political life. I am also a co-founder and serve on the board of My Sistah’s House, a nonprofit that provides resources and emergency shelter to transgender and gender nonconforming people in the Memphis area. I served on the Tri-State Black Pride Board as the Transgender and Gender

Nonconforming Chair from 2016 to 2018, and I was Chair of the Tennessee Transgender Task Force with Tennessee Department of Health from 2018-2019, and am still a member of Task Force.

4. I am a woman.

5. I am also transgender. I was designated “male” on my birth certificate, even though I am, in fact, a woman.

6. Below is a picture of me:



7. Though I was raised as boy, by the age of five or six I was very interested in female clothes, makeup, and high heels. My exploration was not encouraged, so I avoided expressing myself in that way.

8. In my early twenties, I began expressing my female gender again and, soon after, began identifying as a female. By 2012, I was living openly as a woman.

9. I have taken steps to bring all aspects of my life into conformity with my female gender identity, including steps to socially and medically transition.

10. I have undergone clinically appropriate medical treatment for gender dysphoria, including hormone replacement therapy. I have received electrolysis and recently had sex

reassignment surgery. The steps I have taken in my transition have brought my body characteristics and outside appearance into alignment with my female gender identity.

11. In 2017, I legally changed my name from the traditionally male name I was given at birth to my current traditionally female name.

12. I have changed my identification documents, including my state identification card and Social Security records, to reflect my identity and true sex as female.

13. I am aware that the State of Tennessee has a policy and practice that categorically prohibits transgender persons, like me, from correcting the gender marker on their birth certificates so that the birth certificates may accurately reflect their sex, as determined by their gender identity (hereinafter the “Birth Certificate Policy”).

14. As a result, my birth certificate still incorrectly identifies my sex as male, despite my being a woman and despite the gender marker on all my other government identification documents correctly identifying me as female.

15. Because of Tennessee’s Birth Certificate Policy, it is impossible for me to correct the gender marker on my birth certificate, and I had thus considered it futile to correct my name on my birth certificate. As a result, my birth certificate and other identification documents are incongruent with each other.

16. I am personally aware of the high incidence of violence and harassment directed at transgender persons as well as the high rates of employment and housing discrimination faced by transgender persons. As a transgender woman of color, I am also aware of the high incidence of violence and harassment directed at transgender women of color.

17. I reasonably fear that possessing a birth certificate that fails to match my gender identity increases the chances that I will be subjected to invasions of privacy, prejudice, discrimination, distress, harassment, or violence and I have taken steps to try to reduce those risks.

18. I am harmed by Tennessee's Birth Certificate Policy. I need my identity documents to be congruent with the woman that I am, and I believe that my gender identity should be recognized and respected by Tennessee.

19. I reasonably fear that possessing a birth certificate that fails to accurately reflect my sex, as determined by my gender identity, increases the chances that I will be subjected to discrimination, harassment, or violence.

20. For example, I have been outed as a transgender woman to several employers to whom I have had to present my birth certificate with the incorrect gender marker and asked invasive personal questions. Knowing I would have to present my inaccurate birth certificate has dissuaded me at times from applying for jobs. I also wish to resume my education, but I have been hesitant to do so because I will be forced to disclose my transgender status during the enrollment process.

21. As a result of Tennessee's Birth Certificate Policy, my current Tennessee birth certificate reflects the sex I was incorrectly assigned at birth solely based on external reproductive organs, erroneously stating that I am male.

22. Being denied a birth certificate that accurately reflects my sex, as determined by my gender identity, is psychologically and emotionally harmful to me. My birth certificate is a persistent reminder that the State of Tennessee does not respect me for who I am, and I remain in fear of what may happen the next time I have to show my birth certificate to a stranger.

Tennessee's Birth Certificate Policy also subjects me to potential physical harm, particularly as a transgender woman of color.

23. I wish to correct my birth certificate, which currently indicates that my sex is male, to accurately reflect my sex as female, as determined by my gender identity.

Signed under penalty of perjury under the laws of the United States this 12 day of April 2020.



Kayla Gore